

**FILED**

JUN 14 2011

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY wh DEPUTY

KAREN L. POLK,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner  
of Social Security Administration,

Defendant.

No. CIV-10-716-W

**ORDER**

On May 24, 2011, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that the decision of Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits filed by plaintiff Karen L. Polk be reversed. Magistrate Judge Purcell further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Purcell's Report and Recommendation, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Purcell's finding that remand of this matter is warranted because the Administrative Law Judge ("ALJ") not only failed to analyze the medical source opinions completed by James A. Rosacker, M.D., in September 2005 and in August 2007 concerning Polk's residual functional capacity for work under the proper standard for evaluating medical source statements, but also improperly evaluated the medical source opinion completed by Darius Noori, M.D., in April 2008 concerning Polk's ability to perform mental work-related activities. The ALJ likewise

failed to properly set forth, explain and support her determinations with regard to Polk's credibility.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 17] issued on May 24, 2011;

(2) REVERSES the Commissioner's decision denying Polk's Application for Disability Income Benefits;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and Magistrate Judge Purcell's Report and Recommendation; and

(4) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this 14th day of June, 2011.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE